

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 755 - SB 630

April 13, 2021

**SUMMARY OF ORIGINAL BILL:** Deletes minimum contract lengths and increases, from one to two years, extension lengths which may be granted for contracts between the State Textbook and Instructional Materials Quality Commission (Commission) and a publisher. Requires the Department of Education (DOE) to assist the State Board of Education (SBE) in making textbook and instructional material waiver determinations. Removes fines assessed against a teacher or principal for the use of unapproved textbooks and instructional materials, and instead authorizes the Commissioner of DOE to withhold states funds from local education agencies (LEAs) for such violations. Requires all English language arts textbooks and instructional materials to be aligned with Tennessee's academic standards by January 1, 2023.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (005819):** Deletes all language after the enacting clause and rewrites the bill such that the only substantive changes: (1) require, rather than authorize, the Commissioner of DOE to withhold state funds if an LEA knowingly violates prohibitions pertaining to the use of materials; (2) establish that a public charter school may request a waiver for the use of textbooks and instructional materials; (3) prohibit the Commission from publishing a list of, and the SBE from approving, textbooks and instructional materials created to align exclusively with Common Core state standards which are marketed or identified as common core textbooks or materials; and (4) prohibit a teacher or principal from using or permitting to use textbooks or instructional materials aligned with the Common Core State Standards within any public school in the state.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 49-6-2206 authorizes SBE to waive restrictions on the use of unapproved textbooks and instructional materials if a school system's circumstances

would require it; the legislation will require DOE to assist SBE in making waiver determinations.

- DOE will be able to provide waiver assistance to SBE within existing resources, as SBE currently completes waiver reviews independently.
- The legislation removes fines for individual teachers and principals for violations related to using unapproved textbooks and instructional materials, and instead, requires the Commissioner of DOE to withhold state funding from an LEA for certain violations until the LEA is in compliance.
- LEAs will not intentionally violate prohibitions pertaining to the use of such materials, in order to prevent the withholding of state education finance funding; therefore, any fiscal impact to state or local government is estimate to be not significant.
- Tennessee Code Annotated § 49-1-310 required the SBE to replace Common Core State Standards with a new set of standards in the 2017-2018 school year.
- SBE has currently adopted the Tennessee Academic Standards in math, English language arts, science, and social studies and each subject area is reviewed at a minimum of every six years.
- It is assumed that all schools currently use textbooks and instructional materials that align with the Tennessee Academic Standards.
- It is further assumed that a local education agency, school, or individual teacher currently using materials aligned with Common Core will be able to substitute teaching materials to comply with the proposed legislation within existing resources; therefore, any fiscal impact to local expenditures is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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